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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,137	11/16/2001	William D. McKay	MBD-11404/22	6283

7590 02/24/2004  
Gifford, Krass, Groh et al  
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EXAMINER

SPISICH, MARK

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/993,137

Applicant(s)

MCKAY, WILLIAM D.

Examiner

Mark Spisich

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1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-80 is/are pending in the application.
- 4a) Of the above claim(s) 8, 10, 16, 31, 32 and 44-73 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 74-80 is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, 11, 17-20, 21, 23-25, 28, 29, 30, 33-36 and 43 is/are rejected.
- 7) ☒ Claim(s) 12-15, 22, 26, 27 and 37-42 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4,7/02;6/03.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of the invention of Group I in Paper of 18 December 2003 is acknowledged.
2. Claims 8,10,16,31,32 and 44-73 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention/species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper of 18 December 2003.

### ***Specification***

3. The disclosure is objected to because of the following informalities: (1) applicant should update the status of the applications mentioned on page 1; (2) "116" (page 23, line 18) should be – 114 --; (3) "118" (page 23, line 18) should be – 116 --; (4) "66" (page 25, line 6) should be – 68 --; (5) "318" (page 36, line 14) is incorrect as this number was identified as the "interconnected area"; (6) should "18" (page 42, line 23) be – 18D --?; and (7) "35" (page 43, line 10) should be – 352 --.

Appropriate correction is required.

### ***Drawings***

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: #306 (as per page 32, line 14). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

**Comment Re Claim 25**

5. « griping » (claim 25, line 17) should be – gripping --.

***Claim Rejections - 35 USC § 112***

6. Claims 17-20,29,30,33-36 and 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. “Base layer” (claims 17,19 and 20, line 1 of each) should be – backing layer --. “An” (claim 29, line 3) (both) should be – the --. Also, “mop” (claim 43, lines 1 and 3) should either be deleted or changed to – implement --. Applicant should review the claims for any additional informalities.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Heinonen (USP 4,712,268). The patent to Heinonen discloses a mop comprising a head (2) having opposed upper (10) and lower surfaces and further including gripping means (6a,6b) on the upper surface for gripping opposed edges of a stack of cleaning sheets (5). The innermost cleaning sheet would reasonably read on the “base layer”.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3-7, 11, 23-25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinonen (USP 4,712,268) in view of GB 2,310,796. The patent to Heinonen discloses the invention substantially as claimed with the exception of the sheets being non-woven and maintained in the stacked configuration by an adhesive. '796 also discloses a renewable cleaning surface comprised of a plurality of sheets of non-woven polyester (page 3, line 1) (claim 3) and wherein adjacent sheets may be secured with a weak adhesive (page 4, line 18-20) (claim 4). It would have been obvious to one of ordinary skill to have used any cleaning sheet recognized by the art as the material of '796 and to secure them with a weak adhesive to keep them in place until removed by the user. The sonic welding of the plastic material of the sheets would be an obvious variant of the adhesive (claim 5). The base layer, which would be the first cleaning sheet, would then also be a non-woven polyester (which is a plastic) (claims 6 and 7 and 28). Claim 11 does not distinguish the "bonding" of the edge portions and any other portion of the "refill". As '796 basically teaches that the sheets may be secured with an adhesive, this would be the regions mentioned in claim 11 (and claim 25) also. The materials of claims 23 and 24 are each well known in the floor cleaning art (the "swiffers") and would thus be obvious to one of ordinary skill. The last paragraph of claim 25 really does not define any structure, just that they be capable of being separated. One could separate them using scissors.

11. Claims 2 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinonen (USP 4,712,268) and GB 2,310,796 as applied to claims 1 (on Heinonen alone) or 25 (Heinonen in view of '796) above, and further in view of Cole (USP 3,376,595). The prior art, namely the patent to Heinonen, discloses the edge portions of the stack of cleaning sheets which are impaled by the gripping means (6a,6b) and fails only to disclose that the edge portions have holes in the m to start with. The patent to Cole discloses the provision of holes (44,46) in edge portion of a stack of cleaning sheets.

12. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heinonen (USP 4,712,268) in view of GB 2,233,882. The patent to Heinonen discloses the invention substantially as claimed with the exception of the cleaning sheets including an adhesive. '882 discloses a floor cleaning device including a renewable stack of adhesive cleaning sheets. It would have been obvious to one of ordinary skill to have modified the device of Heinonen as such to facilitate the retention of debris removed from the floor.

13. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heinonen (USP 4,712,268) and GB 2,310,796 as applied to claim 25 and further in view of EP 265,684. The prior art discloses the invention substantially as claimed with the exception of the cleaning sheets comprising a backing as well as a cleaning layer. '684 discloses a cleaning sheet (11) comprising a backing (13) as well as an absorbent cleaning (14) layer. It would have been obvious to one of ordinary skill to have modified

the sheets of Heinonen as such so that any moisture absorbed by the outermost layer would not get to the underlying layers.

***Allowable Subject Matter***

14. Claims 74-80 are allowed.

15. Claims 12-15,22,26,27 and 37-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

16. Claims 30 and 33-36 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

17. Claims 17-20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Horihata and Hunter are each pertinent to cleaning device with a renewable cleaning surface.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (6-3:30), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J Warden can be reached on (571) 272-1281. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Spisich  
Primary Examiner  
Art Unit 1744

MS